

NOV 18 2003

JCG

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY

EV316936177

ATTORNEY DOCKET NO. MS1-16936US

MS DOCKET NO. 302013.1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Midstream Determination of Varying Bandwidth Availability

the specification of which is filed herewith unless the following box is checked:

(X) was filed on Jun 27, 2003 as US Application Serial No. or PCT International Application Number 10/609,329 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: <input type="checkbox"/> NO: <input type="checkbox"/>
			YES: <input type="checkbox"/> NO: <input type="checkbox"/>

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) associated with

Customer No. 22801

to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to:

Direct Telephone Calls To:

James R. Banowsky
 Lee & Hayes, PLLC
 421 West Riverside Avenue, Suite 500
 Spokane, WA 99201

(509) 324-9256

DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO. MS1-1479US

MS DOCKET NO. 302013.1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Troy D. Batterberry

Citizenship: USA

Residence: Kirkland, WA

Post Office Address: 12216 NE 3rd Lane, Kirkland, WA 98033

Inventor's Signature

Date

11/6/03

Full Name of Inventor: Alexandre V. Grigorovitch

Citizenship: Russia

Residence: Redmond, WA

Post Office Address: 7250 Old Redmond Rd #149, Redmond, WA 98052

Inventor's Signature

Date

11/6/03

Full Name of Inventor: Anders E. Klemets

Citizenship: Sweden

Residence: Redmond, WA

Post Office Address: 10834 Redmond-Woodinville Road NE, Redmond, WA 98052

Inventor's Signature

Date

11/6/03

Full Name of Inventor: James C. Stewart

Citizenship: Canada/USA

Residence: Woodinville, WA

Post Office Address: 22015 NE 137 Street, Woodinville, WA 98077

Inventor's Signature

Date

11/6/2003

Full Name of Inventor: Yejin Choi

Citizenship: Korean

Residence: Ithaca, NY

Post Office Address: 2250 N. Triphammer Rd., #T-1C, Ithaca, NY 14850

Inventor's Signature

Date

NOV 10 2003

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY

EV 316936177

ATTORNEY DOCKET NO. MS1-14788

MS DOCKET NO. 302013.1

As a below named inventor, I declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Midstream Determination of Varying Bandwidth Availability

the specification of which is filed herewith unless the following box is checked:

(X) was filed on Jun 27, 2003 as US Application Serial No. or PCT International Application Number 10/609,329 and was amended on _____ (if applicable).

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COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: _____ NO: _____
			YES: _____ NO: _____

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 Lee & Hayes, PLLC
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 Spokane, WA 99201

Direct Telephone Calls To:

(509) 324-9256

ATTORNEY DOCKET NO. MS1-1479US

DECLARATION AND POWER OF ATTORNEY

MS DOCKET NO. 302013.1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Troy D. Batterberry

Citizenship: USA

Residence: Kirkland, WA

Post Office Address: 12216 NE 82nd Lane, Kirkland, WA 98033

Inventor's Signature

Date

Full Name of Inventor: Alexandre V. Grigorovitch

Citizenship: Russia

Residence: Redmond, WA

Post Office Address: 7250 Old Redmond Rd #149, Redmond, WA 98052

Inventor's Signature

Date

Full Name of Inventor: Anders E. Klemets

Citizenship: Sweden

Residence: Redmond, WA

Post Office Address: 10834 Redmond-Woodinville Road NE, Redmond, WA 98052

Inventor's Signature

Date

Full Name of Inventor: James C. Stewart

Citizenship: Canada/USA

Residence: Woodinville, WA

Post Office Address: 15704 223rd Ave. NE, Woodinville, WA 98072

Inventor's Signature

Date

Full Name of Inventor: Yejin Choi

Citizenship: Korean

Residence: Ithaca, NY

Post Office Address: 2250 N. Triphammer Rd., #T-1C, Ithaca, NY 14850

Inventor's Signature

OCT. 22. 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.



10/609,329

Jun 27, 2003

Batterberry et al.

2857

7914

MS1-1479US

Filing Date

Inventor

Group Art Unit

Confirmation No.

Attorney's Docket No.

Title: Midstream Determination of Varying Bandwidth Availability

Statement Under 37 C.F.R. § 1.48(a)(2) of a Person to be
Added or Deleted as an Inventor

EV316936177

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I was listed as an inventor/coinventor of the invention of one or more claims in the above-captioned Nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously naming me as an inventor. The Inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

Signed: David J. Roth

David J. Roth

Date: 2003.10.20



STATEMENT UNDER 37 CFR 3.73(b)

EV316936177

Applicant/Patent Owner: Microsoft Corporation

Application No./Patent No.: 10/609,329 /

Filed/Issue Date: Jun 27, 2003 /

Entitled: Midstream Determination of Varying Bandwidth Availability

Microsoft Corporation, a corporation,

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership is ____ %.

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at Reel ____,
Frame ____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/5/03
Date

Marshall C. Phelps Jr.

Typed or Printed Name

Marshall C. Phelps Jr.
Signature

Assistant Secretary

Title

EV316936177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number..... 10/609,329
Filing Date..... Jun 27, 2003
Inventorship..... Batterberry et al.
Applicant..... Microsoft Corporation
Attorney's Docket No. MS1-1479US
MSDocket No. 302013.1

Title: Midstream Determination of Varying Bandwidth Availability

PATENT ASSIGNMENT

PARTIES TO THE ASSIGNMENT

Assignor(s):

Troy D. Batterberry
12216 NE 82nd Lane
Kirkland, WA 98033

Alexandre V. Grigorovitch
7250 Old Redmond Rd #149
Redmond, WA 98052

Anders E. Klemets
10834 Redmond-Woodinville Road NE
Redmond, WA 98052

James C. Stewart
22015 NE 137 Street
Woodinville, WA 98077

Yejin Choi
2250 N. Triphammer Rd., No. T-1C
Ithaca, NY 14850

Assignee:

Microsoft Corporation
Corporation in the State of Washington
One Microsoft Way
Redmond, WA 98052

COPY

COPY

AGREEMENT

WHEREAS, ASSIGNOR(S) (listed above) are inventor(s) of an invention entitled
"Midstream Determination of Varying Bandwidth Availability," as described and claimed in

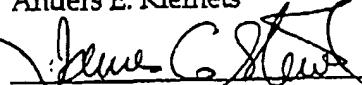
the specification forming part of an application for United States letters patent referenced above;

WHEREAS, Microsoft Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at One Microsoft Way, Redmond, WA 98052, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S) hereby sell, assign and transfer unto ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR(S) had this assignment, transfer and sale not been made. ASSIGNOR(S) hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR(S) agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

11/06/03
Date11/6/03
Date11/6/03
Date11/6/2003
Date

Date

~~Troy D. Batterberry~~
~~Alexander V. Grigorovitch~~
~~Anders E. Klemets~~
~~James C. Stewart~~


Yejin Choi



Attorney Docket No. MS1-1479US
MS Docket No. 302013.1
Serial No. (if known) 10/609,329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number..... 10/609,329
Filing Date..... Jun 27, 2003
Inventorship..... Batterberry et al
Applicant..... Microsoft Corporation
Attorney's Docket No. MS1-1479US
MSDocket No. 302013.1

Title: Midstream Determination of Varying Bandwidth Availability

EV316936177

PATENT ASSIGNMENT

PARTIES TO THE ASSIGNMENT

Assignor(s):

Troy D. Batterberry
12216 NE 82nd Lane
Kirkland, WA 98033

COPY

Alexandre V. Grigorovitch
7250 Old Redmond Rd #149
Redmond, WA 98052

Anders E. Klemets
10834 Redmond-Woodinville Road NE
Redmond, WA 98052

James C. Stewart
15704 223rd Ave. NE
Woodinville, WA 98072

COPY

Yejin Choi
2250 N. Triphammer Rd., No. T-1C
Ithaca, NY 14850

Assignee:

Microsoft Corporation
Corporation in the State of Washington
One Microsoft Way
Redmond, WA 98052

AGREEMENT

WHEREAS, ASSIGNOR(S) (listed above) are inventor(s) of an invention entitled "Midstream Determination of Varying Bandwidth Availability," as described and claimed in

the specification forming part of an application for United States letters patent referenced above;

WHEREAS, Microsoft Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at One Microsoft Way, Redmond, WA 98052, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S) hereby sell, assign and transfer unto ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR(S) had this assignment, transfer and sale not been made. ASSIGNOR(S) hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR(S) agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date

Troy D. Batterberry

Date

Alexandre V. Grigorovitch

Date

Anders E. Klemets

Date

James C. Stewart

OCT. 22. 2003
Date

Choi, yejin
Yejin Choi